UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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1   RECORD OF ORAL HEARING

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3 UNITED STATES PATENT AND TRADEMARK OFFICE

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6   BEFORE THE BOARD OF PATENT APPEALS

7   AND INTERFERENCES

8   _____

9

10 Ex parte EUGENE J. ROLLINS, SAILENDRA PADALA,

11   and NORBERT HENDRIKSE

12   _____

13

14   Appeal 2007-0286

15   Application 09/747,656

16   Technology Center 3600

17   _____

18

19 Oral Hearing Held: November 15, 2007

20   _____

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22

23Before TERRY J. OWENS, MURRIEL E. CRAWFORD, JENNIFER D.

24BAHR, Administrative Patent Judges

25

26ON BEHALF OF THE APPELLANT:

27

28   JAMES G. GATTO, ESQUIRE

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34The above-entitled matter came on for hearing on Thursday, November 15,

352007, commencing at 9:30 am, at The U.S. Patent and Trademark Office,

36600 Dulany Street, Alexandria, Virginia, before Deborah Rinaldo, Notary

37Public.

1   P R O C E E D I N G S

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3   MR. GATTO: Good morning. I think the issues here, there is really a

4single issue to decide, and that is whether the Arnold reference discloses an

5intermediary that generates a second Web page that has the navigation

6object.

7   And I have just one or two comments from the specification just to

8clarify certain things, and I'll just point to the part of the rejection that I think

9is just clearly erroneous and then be happy to answer any questions that you

10have.

11   By way of background, at page 4 of the specification, what this

12invention, the problems that it was trying to address relate to in the context

13of a shopping application the inability or difficulty to enable a shopper to

14return to the application if they have gone to a merchant website.

15   And it talks about how there is difficulties in just using the back

16button depending on how the user has navigated through the merchant's site.

17   So really a big part of this is what's referred to as a navigation object

18or a link or a return button that enables you if you go from the shopping site

19to the merchant site to complete a transaction to easily go back to the

20shopping application.

21   At page 5, the applicant addresses that the one way you could do it is

22to modify the merchant website and put some code there. But the applicant

23indicates that that is problematic for a variety of reasons, including the costs

24and the need for each of the merchants to adopt that approach.

25   So instead what the applicant uses what's referred to as an

26intermediary. And the intermediary which is described, for example, at page

114, line 3, clearly says that the intermediary acts between the consumer's

2Web browser and the merchant server.

3   And what that intermediary does that's relevant to the claim issue is

4that it will dynamically create a page that embeds a navigation object so that

5when the consumer is done with the purchase, it can return back to the

6shopping application. That's clearly laid out in pages 14 and 15 and 16 of

7the specification.

8   So if we look at the relevant claim issue, the claim language, it's the

9penultimate clause there that says, Generating by the intermediary an

10updated second electronic document that includes a second object associated

11with the first address.

12   The second object associated with the first address is basically the

13return object or the navigation object as it's sometimes referred to in the

14specification.

15   Now, the examiner relies under 102 on the Arnold reference and

16primarily cites to the bottom of page 7 -- I'm sorry, column 7 continuing to

17the top of column 8 of Arnold to support the allegation that Arnold has an

18intermediary that generates the second page.

19   However, it couldn't be clearer from Arnold if you look at column 7,

20line 62, it says the merchant computer dynamically creates a Web page in

21accordance with the layout and associates the return URL with an icon on

22the Web page.

23   So it's clear from Arnold and the portion of Arnold the examiner is

24relying on that it's the merchant Web page, not an intermediary, that's

25creating the second page, the navigation object.

26   Since this is a 102 rejection and the reference clearly does not meet

1the claim element, I believe that it's clear that the 102 rejection cannot stand.

2   JUDGE OWENS: What about the examiner's argument that the

3virtual outlet in Arnold modifies the address that this button uses?

4   MR. GATTO: I believe that the examiner's assertion is incorrect.

5The examiner cites to column 7, and what column 7 actually says is that the

6Web -- the claim element at issue, again, states that you are generating by

7the intermediary an updated document. It's not just a Web address,

8whatever. You are generating the document by the intermediary.

9   The document that's generated, the one that's relevant and that the

10examiner refers to in column 7 here is generated by the merchant page.

11   And what it says just slightly above that, it says that there is -- when

12the merchant computer, it may receive a URL, okay, and it accesses a

13database established when the Acme Cyberstore, in this case the virtual

14outlet, creates a relationship with the merchant. That information is stored

15in a database at the merchant's site.

16   So when there is a need for that page, the merchant site creates that

17document. That's what's clearly set forth in column 7.

18   So while there is a URL that may come from the virtual outlet page,

19the URL is not in and of itself a document. And what the claim language

20requires is that you generate the second document that has the return object

21in it.

22   And I think clearly from this language that generation of a document

23is done at the merchant site. And for the reasons set forth in the background,

24the applicant clearly doesn't want to have to have the merchant do that. It

25wants to have an intermediary do it for various efficiency reasons.

26   JUDGE OWENS: Thank you.

1   MR. GATTO: Thank you very much.

2   (Whereupon, the proceedings at 9:37 a.m. were concluded.)